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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/667,110

09/17/2003

Christopher R. Gentle

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EXAMINER

TRAN, TUYETLIEN T

ART UNIT

PAPER NUMBER

2179

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

12/29/2006

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/667,110

Applicant(s)

GENTLE, CHRISTOPHER R.

Examiner

TuyetLien (Lien) T. Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Objections

1. Claims 19 and 28 are objected to because of the following informalities: there is a “;” at the end of the claims (see MPEP 608.01(m) - each claim begins with a capital letter and ends with a period). Appropriate correction is required.

Claims 18-30 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Proper language to place the claims in proper dependent form can be: “the computational component of claim 17, wherein the method further comprising:”.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 17-30 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

In claim 17, a “computational component” is being recited. However, it appears that the component would reasonably be interpreted by one of ordinary skill in the art as software, per se. In addition, there are no recited steps that actually perform the display or tangible result as an outcome of the recited steps. The claim merely recites calculations and processes that occur within the computer or within memory are not tangible. As such, it believed that the component of claim 17 is reasonably interpreted as functional descriptive material, per se. This

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subject matter is not limited to that which falls within a statutory category of invention because it is not limited to a process, a machine, manufacture, or a composition of matter.

Any claim not specifically addressed, above, is being rejected as incorporating the deficiencies of a claim upon which it depends.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-3, 5-7, 9-15, 17-24, 26-35 are rejected under 35 U.S.C. 102(b) as being anticipated by Clark et al (Patent No. 5995101; hereinafter Clark).

As to claim 1, Clark teaches:

A method for providing a visual representation of the consequences of taking an action (e.g., multi-level tool tip, see Fig. 3), comprising:

first moving a cursor in response to input from a user (e.g., see col. 1 lines 44-53);

first detecting a position of said cursor within an application window (e.g., see step 100 in Fig. 4); and

in response to said position of said cursor corresponding to a first selectable item within said application window, displaying a depiction of a consequence of selecting said first selectable item (e.g., see Fig. 3; note that the third-level tool tip may provide a graphical image 64 demonstrating the icon's function in detail; further note that the program may include as

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many additional, higher-level tips as needed to fully demonstrate the program function associated with the icon 54, see e.g., col. 2 lines 51-63).

As to claim 17, Clark teaches:

A computational component for performing a method (e.g., multi-level tool tip, see Fig. 3), the method comprising:

determining a position of a cursor (e.g., see step 100 in Fig. 4); and

in response to said position of said cursor hovering over a first selectable item, depicting a consequence of selecting said first selectable item (e.g., see Fig. 3; note that the third-level tool tip may provide a graphical image 64 demonstrating the icon's function in detail; further note that the program may include as many additional, higher-level tips as needed to fully demonstrate the program function associated with the icon 54, see e.g., col. 2 lines 51-63).

As to claim 31, Clark teaches:

An apparatus for displaying a consequence of a selection to a user (e.g., computer system 10 for displaying a multi-level tool tip, see Fig. 3 and Fig. 5), comprising:

means for visually displaying (e.g., display device 28 in Fig. 5);

means for receiving user input (e.g., I/O bus 26, I/O interface 27, keyboard 29, mouse 34, see Fig. 5);

means for determining a position of a cursor (e.g., see step 100 in Fig. 4), wherein said cursor is displayed by said means for visually displaying (e.g., see cursor 52 in Fig. 3) and is responsive to said means for receiving user input (e.g., see col. 1 lines 44-53);

means for determining a relationship between a position of a selectable item displayed by said means for visually displaying and said cursor (e.g., see Fig. 3); and

means for generating a depiction of a consequence of selecting said selectable item at least when said cursor is within an area occupied by said selectable item on said means for

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visually displaying (e.g., see Fig. 3; note that the third-level tool tip may provide a graphical image 64 demonstrating the icon's function in detail; further note that the program may include as many additional, higher-level tips as needed to fully demonstrate the program function associated with the icon 54, see e.g., col. 2 lines 51-63).

As to claim 34, Clark teaches:

An apparatus for providing a depiction of the consequences of making a selection (e.g., computer system 10 for displaying a multi-level tool tip, see Fig. 3 and Fig. 5), comprising:

data storage (e.g., RAM 21, ROM 22, hard disk 33, see Fig. 5 and col. 5 lines 14-25), wherein at least a first application is maintained in said data storage (e.g., program 15 is stored in hard disk 33, see Fig. 5);

a data processor operable to execute instructions included in said first application (e.g., CPU 20, see Fig. 5 and col. 5 lines 14-46);

a visual display operable to display graphical elements generated in connection with said execution of said instructions included in said first application and operable to display a cursor (e.g., see Fig. 3);

a pointing device operable to receive commands from a user concerning a position of said cursor with respect to said graphical elements (e.g., see step 100 in Fig. 4), wherein a depiction of the consequences of selecting a selectable item included in said graphical elements is displayed in response to detecting that said cursor is hovering over said selectable item (e.g., see Fig. 3; note that the third-level tool tip may provide a graphical image 64 demonstrating the icon's function in detail; further note that the program may include as many additional, higher-level tips as needed to fully demonstrate the program function associated with the icon 54, see e.g., col. 2 lines 51-63).

As to claims 2 and 18, Clark further teaches:

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second moving a cursor in response to input from a user (e.g., moves the cursor to another icon, see col. 3 lines 36-51);

second detecting a position of said cursor (e.g., see step 100 in Fig. 4 and col. 3 lines 36-51); and

in response to said position of said cursor no longer corresponding - or hovering over - to said first selectable item within said application window, discontinuing said displaying a depiction of a consequence of selecting said first selectable item (e.g., see col. 3 lines 36-51).

As to claim 3, Clark further teaches:

second moving a cursor in response to input from said user (e.g., moves the cursor to another icon, see col. 3 lines 36-51);

second detecting a position of said cursor within said application window (e.g., see step 100 in Fig. 4 and col. 3 lines 36-51); and

in response to said position of said cursor corresponding to a second selectable item within said application window, displaying a consequence of selecting said second selectable item (e.g., see col. 3 lines 36-51).

As to claims 5-6, 21, and 32, Clark further teaches displaying the tool tip as a transparent overlay wherein said transparent overlay comprises an alpha-blended rendering (e.g., see Fig. 3).

As to claims 7 and 22, Clark further teaches displaying the tool tip as a stencil outline (e.g., see Fig. 3).

As to claims 9 and 28, Clark further teaches wherein said hovering over a first selectable item comprises said cursor remaining in an area corresponding to said first selectable item for at least a first predetermined period of time (e.g., see col. 2 lines 30-67);

As to claim 10, Clark further teaches wherein said selectable item comprises at least one of a menu item, an icon, and a button (e.g., icon 54 as shown in Fig. 3).

As to claim 11, Clark further teaches detecting a selection of said first selectable item; in response to said detecting a selection said first selectable item, displaying a consequence of selecting said first selectable item, wherein an appearance of said depiction of a consequence of selecting said selectable item is different than an appearance of said consequence of selecting said selectable item (e.g., see Fig. 3 and col. 1 lines 11-33).

As to claim 12, Clark further teaches wherein said method is performed with respect to a graphical user interface (e.g., see Fig. 3).

As to claim 13, Clark further teaches wherein said displayed depiction comprises a depiction of at least one of a submenu, sub-window or file contents (e.g., see col. 4 lines 7-19 and col. 5 lines 50-60).

As to claim 14, Clark further teaches after said displaying a depiction of a consequence of selecting said selectable item, in response to a position of said cursor no longer corresponding to said selectable item, discontinuing said displaying a depiction of a consequence of selecting said selectable item (e.g., see col. 3 lines 36-51).

As to claim 15, Clark further teaches displaying an indication of a relationship between said selectable item and said depiction of a consequence of selecting said selectable item (e.g., see Fig. 3).

As to claim 19, Clark further teaches wherein said discontinuing is performed in the absence of a user selection of a second selectable item for discontinuing said depicting a consequence of selecting said first selectable item (e.g., see col. 3 lines 36-51);

As to claim 20, Clark further teaches third determining a position of said cursor; and in response to said position of said cursor hovering over a second selectable item, depicting a consequence of selecting said second selectable item (e.g., see step 100 in Fig. 4 and col. 3 lines 36-51).

As to claim 23, Clark further teaches wherein said depicted consequence of selecting a first selectable item comprises displaying at least one of an inactive submenu, an inactive window, and an inactive dialogue (e.g., a tool tip may be in a containing window, see col. 5 lines 50-60).

As to claim 24, Clark further teaches wherein said first selectable item comprises a file identifier, and wherein said depicting a consequence of selecting said first selectable item comprises displaying at least a portion of a file (e.g., see col. 4 lines 7-19 and col. 5 lines 50-60).

As to claim 26, Clark further teaches wherein said consequence of selecting said first selectable item comprises a subwindow (e.g., a tool tip may be in a containing window and that selecting a 'user option' control may invoke a dialog, menu, see col. 5 lines 50-60 and col. 4 lines 14-20).

As to claim 27, Clark further teaches in response to a selection of said first selectable item, displaying at least one of an active submenu and an active window (e.g., dialog, menu, etc. see col. 4 lines 14-20 and col. 1 lines 20-30).

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As to claim 29, Clark further teaches wherein said computational component comprises a computer readable storage medium containing instructions for performing the method (e.g., RAM 21, ROM 22, hard disk 33, see Fig. 5 and col. 5 lines 14-25).

As to claim 30, Clark further teaches wherein said computational component comprises a logic circuit (e.g., see Fig. 5).

As to claim 33, Clark further teaches wherein said means for receiving user input comprises a pointing device (e.g., a mouse 34 in Fig. 5).

As to claim 35, Clark further teaches wherein said pointing device includes a button for receiving an indication of a user selection (e.g., left button or right button of a mouse 34 in Fig. 5), and wherein said depiction of the consequences of selecting a selectable item is displayed in the absence of operation of said button (e.g., note that the tool tip is displayed if the user points with a pointing device to an area of the graphical display associated with a function, see col. 1 lines 44-53).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action.

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 4 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Clark.

As to claim 4, Clark teaches the limitations of claim 1 for the same reasons as discussed with respect to claim 1 above. Clark further teaches displaying a tool tip of a selectable item in

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a way that is visually altered as compared to a display in response to an actual selection of said selectable item (e.g., a user cannot interact with the information included in a tool tip while a user can interact with a display of an actual selection of the selectable item, see Fig. 3 and col. 1 lines 11-35). Clark does not expressly disclose that displaying a result of selecting a selectable item.

However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included the step of displaying a result of selecting a selectable item that is different from a display of an actual result of selecting a selectable item, in view of Clark, because Clark suggests to the skilled artisan that the third-level tip 62 may include a graphical image 64 demonstrating the icon's function (e.g., see col. 2 lines 51-63) and that multiple levels of multi-level tool tip may be used to provide different types of information (see col. 5 lines 50-60). The motivation would be to provide much insight into the functions of the related icons or function or to fully demonstrate the program function associated with the selected icon (see col. 1 lines 34-40 and col. 2 lines 51-63).

As to claim 25, Clark teaches the limitations of claim 17 for the same reasons as discussed with respect to claim 17 above. Clark does not expressly teach that depicting a consequence of selecting said first selectable item comprises a submenu. However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included the step of displaying a depiction of a submenu, in view of Clark, because Clark suggests to the skilled artisan that the third-level tip 62 may include a graphical image 64 demonstrating the icon's function (e.g., see col. 2 lines 51-63) and that multiple levels of multi-level tool tip may be used to provide different types of information (see col. 5 lines 50-60). The motivation would be the same as discussed with respect to claim 4 above.

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8. Claims 8 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Clark in view of Mander et al (Patent No. US 6243724 B1; hereinafter Mander).

As to claim 8, Clark teaches the limitations of claim 1 for the same reasons as discussed with respect to claim 1 above. Clark does not expressly disclose that displaying a preview a consequence of selecting a selectable item.

Mander teaches displaying previewing a consequence of selecting said selectable item (e.g., see Fig. 22e). Clark and Mander are analogous art because they are from the same field of endeavor of displaying an information balloon when a user hovers a cursor over a selectable item. Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Clark to incorporate the viewing cone as taught by Mander for the purpose of displaying information relating to a selectable item and the motivation for the combination would be to provide a user with information concerning what a graphical representation represents or what is contained within the representation without actually selecting a function.

As to claim 16, Clark teaches the limitations of claim 15 for the same reasons as discussed with respect to claim 15 above. Clark does not expressly teach displaying a projection line to show a relationship between a selectable item and a depiction. Mander teaches wherein the indication of a relationship between a selectable item and a depiction of a consequence of selecting a selectable item comprises a projection line (e.g., see Fig. 22e). Thus, combining Clark and Mander would meet the claimed limitation for the same reason as discussed in claim 8.

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Conclusion

The prior art made of record on form PTO-892 and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 C.F.R. § 1.111(c) to consider these references fully when responding to this action.

Examiner's note: Examiner has cited particular columns, line numbers, and figures in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teaching of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TuyetLien (Lien) T. Tran whose telephone number is 571-270-1033. The examiner can normally be reached on Mon-Friday: 7:30 - 5:00, off on alternating Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on 571-272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

T.T
12/19/2006

Lien Tran
Examiner

BA HUYNH
PRIMARY EXAMINER